IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Contempt Petition No.89 of 2006

In

Writ Petition No.322 of 1984

Hotel Horizon Private Ltd and Anr.. Petitioners

V/s

State of Maharashtra and Ors. ..Respondents

Shri T.N.Subramaniam Senior Advocate with Paritosh Jaiswal i/b Haresh Mehta and Co. for Petitioners

Shri Milind More,AGP for Respondent

CORAM:D.K.DESHMUKH,J.

DATED:28th June 2007

P.C.:-

. The parties are agreed that this Petition can be disposed of in following terms :-

1. Mrs. Neela Satyanarayan, Additional Principal Secretary in the Department of Revenue and Forests Department, Mantralaya, will decide following issues:

a) What is the plot number and area of the lan of which lease was granted by the Government in favour of the Petitioner. The officer shall also make

enquiry into the allegations made by the Petitioner that the Map which was attached to the document by which the lease was granted is missing from the File?

b) Whether the Petitioner has encroached on any Government land or he has confined himself only to the land that was leased to him?

c) What was the lease rent payable by the Petitioner to the State Government {This question has been directed to be decided by the State Government by order dated 4-10-1990 in Writ Petition No.322 of 1984. I have been informed that pursuant to that order the matter has also been heard by the Minister, Department of Revenue and Forest, and that it is closed for orders.} Parties are agreed that issue will now be decided by the officer named above afresh and the order dated 4-10-1990 passed in Writ Petition NO.322 of 1984 shall stand modified to that extent.

d) What is the lease rent paid. The officer shall also decide what is amount recoverable by the Government from the Petitioner after taking into consideration the amount that have been deposited by the Petitioner in Court pursuant to the order passed by this Court?

e) Within one week from today the Petitioner shall hand over to the Advocate appeareing for the State

Government details of the amount deposited by the Petitioner in this Court pursuant to the order of this Court and the Respondent shall be permitted to withdraw this amount without prejudice to their rights and contentions.

f) In case officer comes to the conclusion that the Petitioner has encroached on Government land the officer shall give an opportunity to the Petitioner to apply before the same officer for regulation of the encroachment in accordance with law. That application shall be considered by the officer in accordance with law and appropriate orders shall be passed.

g) In case the officer comes to the conclusion that there is encroachment made on Government land and that that encroachment cannot be regularised then action for removal of the encroachment shall not be taken for a period of six weeks from the date on which the order is communicated to the Petitioner.

h) Both the parties shall be entitled to file their affidavits, submissions and documents in support of their respective submissions. Filing of the documents, submissions and affidavits shall be completed within a period of 4 weeks from today.

i) The officer while deciding the matter shall ignore

the order dated 12-7-2005 passed by the Deputy Collector (encroachment). In other words, while deciding the issues the order referred to above shall not be taken into consideration.

i) The Officer shall thereafter consider the matter in accordance with law and pass orders thereon strictly in accordance with law within a period of 8 weeks from the date on which parties will complete filing of their respective documents.

2. Petition disposed of in above terms.

(D.K.DESHMUKH,J.)